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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,619	04/11/2001	Tonis Kasvand	8673-118 (8061-603 SJP:k1)	1853
7590	10/19/2004		EXAMINER	CHANG, SUNRAY
Frank Chau, Esq. F. CHAU & ASSOCIATES, LLP 1900 Hempstead Turnpike, Suite 501 East Meadow, NY 11554			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/832,619	KASVAND ET AL.	
	Examiner	Art Unit	
	Sunray Chang	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 April 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 11 April 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>041101, 080902</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. Claims 1 – 5 are presented for examination.

Claims 1 – 5 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 3, and 4 are rejected** under 35 U.S.C. 102(e) as being anticipated by Dinkar Chivaluri (U.S. Patent No. 8,872,931, and referred to as Chivaluri hereinafter).

3. **Regarding independent claims 1 and 4**, Chivaluri teaches,

- A network administration system [scalable event management system, Col. 4, Line 11 – 12]
- Automatically activating [enable] and deactivating [disable] dynamic rule sets [management agent] in response to receipt of error logs [certain defined alarms] from network devices and applications [managed computers]. [Col. 6, Line 31 – 39]
- A user interface for manually [user-authorization, Col. 6, Line 41] activating and deactivating [selectively triggered, Col. 5, Line 64] rule sets having defined rule set criteria [default corrective script, Col. 6, Line 29] and for associating rule set activation keys with said rule sets [defined alarms, Col. 6, Line 31] wherein said activation keys associate changes

in status of said dynamic rule sets [individual alarms are selectively triggered, Col. 5, Line 64]; and

- Program means [management agent] for receiving said error logs [message log alarms, Col. 6, Line 14] and for each of said rule sets [default corrective scripts, Col. 6, Line 29] in connection with which activation keys [alarms, Col. 6, Line 31] have been associated [defined, Col. 6, Line 31] and whose criteria have been satisfied [carried out, Col. 6, Line 30] by said error logs [certain defined alarms, Col. 6, Line 31], reading said activation keys [alarms, Col. 6, Line 35] and one of either activating or deactivating [enable, Col. 6, Line 33] said dynamic rule sets [management agent, Col. 6, Line 33] in accordance with said associated changes in status [enable, Col. 6, Line 33].

4. **Regarding independent claim 3**, Chvaluri teaches,

- A method [scalable event management system, Col. 4, Line 11 – 12] of activating and deactivating dynamic rule sets in response to receipt of error logs [executed in response to the predefined events, Col. 4, Line 22] from network devices and applications [managed computers, Col. 4, Line 20].
- Activating predetermined rule sets having defined rule set criteria [Col. 4, Line 21 – 23];
- Associating rule set activation keys with said predetermined rule sets [Col. 4, Line 17].
- Activation keys associate changes in status of said dynamic rule sets [Col. 5, Line 64];
- Receiving said error logs [Col. 4, Line 17]; and

- Comparing said error logs [alarms] with said predetermined rule sets [predefined event] and for each of said rule sets in connection with which activation keys have been associated [Col. 4, Line 16 – 19] and
- Whose criteria have been satisfied by said error logs, reading said activation keys and one of either activating or deactivating said dynamic rule sets in accordance with said associated changes in status [individual alarms are selectively triggered]. [Col. 5, Line 64 – 66]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 2 and 5 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Chvaluri, and in view of Andrew B. Hopper et al. (U.S. Patent No. 5,367,609, and referred to as Hopper hereinafter).

(Chvaluri as set forth above generally discloses the basic inventions.)

6. **Regarding Claims 2 and 5,**

Chvaluri teaches

- Network administration system [scalable event management system, Col. 4, Line 11 – 12],
- Program means [management agent], and Dynamic rule sets function prog Retrieve log,
- Compare logs with rule sets, If rule set fully satisfied, If rule set has activation keys, Go to first activation key, While activation keys exist, Set status of specified rule set id, Go to next activation key. [Col. 4, Line 16 – 25]

Chvaluri does not teach implementing via pseudo-code.

Hopper teaches implemented via pseudo-code [Col. 44, Line 3 – 4] for the purpose of providing a resource.

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Chvaluri to include "implementing via pseudo-code" for the purpose of providing a resource.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Curtis et al. (U.S. Patent No. 6,208,720) discloses a rules-based thresholding engine, event records, a database, evaluating event records, and an alarm.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang whose telephone number is 703-305-8744 or after October 19, 2004 at (571) 272-3682. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703)308-3179 or after October 19, 2004 at (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-3506.

Sunray Chang
Patent Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office

October 12, 2004



Anthony Knight
Supervisory Patent Examiner
Group 3600